

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the foregoing amendments and the following remarks.

Currently, claims 54-63 and 65-70, including independent claims 54 and 67, are pending in the present application. Independent claim 54, for instance, is directed to an elastomeric glove that comprises a substrate body, a chemical protection layer that overlies an outside surface of the substrate body, a donning layer that overlies an inside surface of the substrate body, and an optional outer layer that overlies the chemical protection layer. The substrate body includes a layer made of at least one elastomeric block copolymer, such as a styrene-ethylene-butylene-styrene (S-EB-S) triblock copolymer. The chemical protection layer is formed from a polymeric material that consists essentially of at least one crosslinked, modified silicone elastomer that imparts relative chemical resistance to the elastomeric article. The chemical protection layer faces an external, environment-exposed surface of the elastomeric glove and the coating faces an internal, body-contacting surface of the elastomeric glove.

In the Office Action, independent claims 54 and 67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,792,531 to Littleton, et al. in view of U.S. Patent No. 4,302,852 to Joung.

Before addressing this particular rejection, Applicants point out that independent claims 54 and 67 were previously rejected in the Office Action of Dec. 14, 2004 under 35 U.S.C. § 103(a) in view of Joung in combination with Littleton, et al. See, pg. 4. This rejection was withdrawn in the Office Action of April 18, 2005, due to the amendment filed on March 10, 2005. See, pg. 2, paragraph 3.

Regardless, Littleton, et al. is directed to elastomeric, powder-free articles having improved donning characteristics. More particularly, Littleton, et al. describes an elastomeric article, such as a glove, that may include a substrate body made of a mid block saturated styrene block copolymer (such as an S-EB-S block copolymer). The elastomeric articles of Littleton, et al. further include a donning layer overlying at least one side of the substrate body, wherein the donning layer comprises a chlorinated mid block unsaturated block copolymer (such as a chlorinated styrene diene block copolymer). As correctly noted in the Office Action, Littleton, et al. fails to teach various aspects of independent claims 54 and 67. More specifically, the Examiner concedes that Littleton, et al. fails to teach the claimed chemical protection layer.

Nevertheless, Littleton, et al. was combined with Joung in an attempt to render obvious independent claims 54 and 67. Applicants respectfully submit, however, that no motivation or suggestion exists to modify the glove of Littleton, et al. as attempted by the Office Action. Essentially, the Office Action attempts to combine the glove of Littleton, et al. with Joung's slip resistant outer surface in rejecting independent claims 54 and 67.

Joung is directed to a glove that may include (1) an allergenic elastomeric support glove (made of natural rubber latex), (2) a barrier glove of a nonallergenic elastomer (such as a room-temperature vulcanizing (RTV) silicone elastomer) bonded to the inner surface of the support glove, and (3) a slip resistant glove of an elastomer (such as an RTV silicone elastomer combined with a very light lubricating powder) bonded to the external surface of the glove.

The entire premise of Joung revolves around its elastomeric support glove being made from an “allergenic” material (specifically, natural rubber latex). A significant part of what Joung considers to be its “invention” is bonding a barrier glove containing a nonallergenic elastomer to the inner surface of the allergenic support glove to render the entire glove “hypoallergenic.”

On the other hand, Littleton, et al. is directed to an elastic glove made from substrate body made of a mid block saturated styrene block copolymer (such as an S-EB-S block copolymer), which is hypoallergenic. Col. 2, lines 3 and 14-18. Littleton, et al. discloses that this type of synthetic glove provides advantages over natural latex gloves. As such, Littleton, et al. is directed to a substitute for natural latex gloves because of the drawbacks and disadvantages of natural latex gloves. For example, according to Littleton, et al., natural latex is susceptible to environmental damage. Col. 1, lines 10-12. Also, some persons are allergic to natural latex. Col. 1, line 10. The use of natural latex can result in pinholes formed in the resulting articles, due to the impurities found in natural latex. Col. 1, lines 20-23.

In view of Littleton, et al.'s teachings, one of ordinary skill in the art would not be motivated to modify the hypoallergenic substrate body made of a mid block saturated styrene block copolymer (such as S-EB-S) of Littleton, et al. with any teaching of Joung, which is directed to a allergenic elastomeric support glove (i.e., natural latex). Thus, one of ordinary skill in the art would not be motivated to modify the hypoallergenic substrate body made of a mid block saturated styrene block copolymer (such as S-EB-S) of Littleton, et al. with the outer RTV silicone layer of Joung.

Instead, it appears that the only rationale is based on the notion that it would have been "obvious to try" such an outer slip resistant glove on the hypoallergenic substrate of Littleton, et al., which is improper under 35 U.S.C. § 103(a). No teaching or suggestion exists in either reference that an outer RTV silicone layer of Joung could be used with an hypoallergenic substrate. In fact, Joung only discloses that their outer RTV silicone layer can be used with their allergenic substrate (natural rubber). Accordingly, Applicants respectfully submit that independent claims 54 and 67 patentably define over Littleton, et al. and Joung, as no motivation or suggestion would have existed for one of ordinary skill in the art to combine these references as proposed by the Office Action.

Applicants emphasize that the teachings of the references must be viewed in their entirety, i.e., as a whole, to sustain a *prima facie* case of obviousness under 35 U.S.C. §103(a). Further, the appropriate test under 35 U.S.C. §103(a) is not whether the differences between the prior art and the claims are obvious, but instead whether the claimed invention as a whole would have been obvious. That is, the differences between a particular claim and the cited references cannot be viewed in a vacuum. In this case, Applicants respectfully submit that, when properly viewed as a whole, there is simply no motivation to combine the references in the manner suggested in an attempt to render obvious the present claims.

Furthermore, Littleton, et al. does mention or even suggest that any layer can overlie the outside surface of the substrate body. As such, Littleton, et al. does not provide any motivation or suggestion to add any layer overlying the outside surface of the substrate body. In fact, Littleton, et al. discloses that the use of their synthetic

elastomers (i.e., S-EB-S block copolymers) provides resistance to environmental degradation. See, col. 2, line 3 and lines 37-40. Thus, one of ordinary skill in the art would not recognize any need for a chemical protection layer overlying said outside surface of said substrate body, such as required by independent claims 54 and 67.

In any event, neither of the cited references recognizes the advantages of the elastomeric gloves of independent claims 54 and 67. According to the present application, the chemical protection layer will not substantially dissolve when contacted with certain chemicals or solvents, such as bone cement. Paragraph 16.

The pending dependent claims were also rejected in the Office Action. Applicants respectfully submit that at least for the reasons indicated above relating to independent claims 54 and 67, the dependent claims also patentably define over the cited references. The patentability of the dependent claims, however, certainly does not hinge on the patentability of independent claims 54 and 67. In particular, some or all of dependent claims are believed to possess features that are independently patentable, regardless of the patentability of claims 54 and 67.

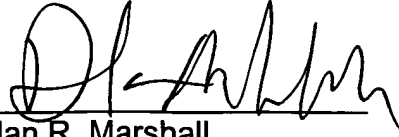
In summary, Applicants respectfully submit that the present claims patentably define over the prior art of record for at least the reasons set forth above. As such, it is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Simone is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Appl. No. 10/036,743
Amdt. Dated June 8, 2006
Reply to Office Action of Mar. 8, 2006

Respectfully requested,

DORITY & MANNING, P.A.

A handwritten signature in black ink, appearing to read 'Alan R. Marshall', written over a horizontal line.

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